



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 115-50 – Regulations Governing the Practice of Marriage and Family Therapy
Department of Health Professions
November 21, 2007

Summary of the Proposed Amendments to Regulation

The Board of Counseling (Board) proposes to amend its Regulations Governing the Practice of Marriage and Family Therapy to specify that half of the required hours of face-to-face resident supervision be provided by a licensed marriage and family therapist. The Board also proposes to eliminate the regulatory provision that allows licensed professional counselors to also be licensed by endorsement as marriage and family therapists.

Result of Analysis

There is insufficient data to weigh the magnitude of costs versus benefits for this proposed regulation. Costs and benefits are discussed below.

Estimated Economic Impact

Currently, residents who are training to be marriage and family therapists must complete 4,000 hours of post graduate supervised clinical experience. Of those 4,000 hours, 200 must be under the face-to-face supervision of a licensed marriage and family therapist, professional counselor, clinical psychologist, clinical social worker or psychiatrist. The Board proposes to amend this provision so that 100 of the 200 hours of required face-to-face supervision must be performed by a licensed marriage and family therapist.

The Department of Health Professions (DHP) reports that this change is proposed to account for “distinctive differences in the therapy paradigms and systemic differences in theory and application with respect to marriage and family systems.” The Board believes that, because of these differences, individuals who are working toward licensure in marriage and family therapy will be better prepared if they have a certain amount of dedicated supervision from

individuals that are already licensed in the residents' chosen field. To the extent that marriage and family therapists have a distinct knowledge base and skills set that they can pass on to future licensees, affected residents will benefit from this regulatory change.

DHP reports that the Board currently licenses approximately 830 marriage and family therapists, 2,940 professional counselors, 1,912 clinical psychologists and 4,409 clinical social workers. Since psychiatrists are licensed as medical doctors, and the Board of Medicine does not issue separate licenses for areas of specialization, DHP does not know the number of psychiatrists that practice in the Commonwealth. Given the much smaller pool of licensed marriage and family therapists, when compared to the pool of all types of professionals that can now offer supervision, residents will likely have a more difficult time finding an appropriate supervisor for the supervision hours that will now be restricted. DHP reports, however, that residents who cannot find an available licensed marriage and family therapist to provide the proposed supervision may apply to the Board for a waiver that would allow supervision by other acceptable Board licensed professionals. Currently this waiver program is Board policy but is not explicitly written into this regulation. Residents and others who are subject to this regulation would likely benefit from the clarity added if the Board were to explicitly write the waiver program into the regulatory language.

Currently regulation includes a provision that allows licensed professional counselors to also gain licensure as marriage and family therapists without have to meet separate education and examination requirements. The Board proposes to eliminate this provision. Once this amended regulation is promulgated, licensed professional counselors will have to have completed all course work required for licensure as a marriage and family therapist, and will have to take the marriage and family therapy exam, if they want to be licensed as marriage and family therapists.

DHP reports that, although there would be overlap with the requirements of the license they already hold, most licensed professional counselors would not have already completed all of the course work required for the dual licensure. Accordingly, licensed professional counselors would have to incur explicit costs for tuition, books and related school fees, as well as implicit costs for the time spent on the extra required education, if they want to also be licensed as marriage and family therapists. These costs could be small, if individual licensed professional counselors have already attained most of the required education, or they could be quite large, if

individual licensed professional counselors have only taken a few of the required courses. DHP reports that there is no solid information that would indicate which of these cost paths is more likely. With this regulatory change, all licensed professional counselors who also wish to be licensed as marriage and family therapists would incur a fee of \$224 for the marriage and family therapy examination and will also incur implicit cost for the time spent preparing for, and taking, this exam.

DHP reports that licensed professional counselors will not have to limit the scope of their practice on account of this proposed regulatory change. Licensed professional counselors who choose not to bear the extra costs that will be associated with licensure as a marriage and family therapist may be at a slight disadvantage in attracting new clients who have family related issues, but they will not face a regulatory bar to providing services for the clients they do attract.

Businesses and Entities Affected

These regulatory changes will mainly affect licensed professional counselors, who might wish to also be licensed as marriage and family therapists, and residents in marriage and family therapy programs. DHP reports that the Board currently licenses 2,940 professional counselors but has no data to indicate how many professional counselors have also been licensed by endorsement as marriage and family therapists. The number of individuals who are currently serving residencies in a marriage and family therapy program is also unknown. Other Board licensees will also be affected by these regulatory changes to the extent that they are no longer eligible to provide supervision for part of residents' required supervised clinical hours.

Localities Particularly Affected

No locality will be particularly affected by this proposed regulatory action.

Projected Impact on Employment

To the extent that this proposed regulation prescribes resident supervision, resident employment in offices of other Board licensed professionals will be limited.

Effects on the Use and Value of Private Property

Licensed professional counselors who choose not to bear the extra costs that will be associated with licensure as a marriage and family therapist may be at a slight disadvantage in attracting new clients who have family related issues. If this proposed regulation does adversely

affect the number of clients that professional counselors can attract, these counselors may see their revenues decrease. This, in turn, may slightly lower the value of impacted counseling practices.

Small Businesses: Costs and Other Effects

Most licensed professional counselors in the Commonwealth are part of a practice that qualifies as a small business. These businesses will be affected by this proposed regulation only if the shift in requirements to gain an additional license in marriage and family therapy puts them at a disadvantage when attracting and retaining clients.

Small Businesses: Alternative Method that Minimizes Adverse Impact

There appear to be no alternative regulatory schemes that would both meet the Board's goal of recognizing marriage and family therapy as a distinct profession and further minimize any adverse impact on affected small businesses.

Real Estate Development Costs

This regulatory action will likely have no effect on real estate development costs in the Commonwealth.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.H of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a

statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.